

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER SHAKESPEARE,
KARIM ANGLIN,
STANLEY PITTON,
JAHMAR MINOTT, and
KAWAYNE TAYLOR,

Plaintiffs,

-against-

CITY OF NEW YORK, a municipal entity;
NELSON AYALA, in his individual capacity;
ROBERT GALLAGHER, in his individual capacity;
CHRISTOPHER SCAPEROTTA, in his individual capacity;
and JOHN DOE 1 through 6, each in his individual capacity,
(the name John Doe being fictitious, as the true names are
presently unknown),

Defendants.

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WHEREAS, the parties are engaged in the exchange of documents and information, and obtaining discovery from non-parties, pursuant to Fed. R. Civ. P. 26, 33, 34 and 45;

WHEREAS, the events that are the subject of this action are related to the arrests of other persons whose arrests are or may be sealed pursuant to New York Crim. P. Law § 160.50 & 160.55 because of the disposition of those arrests or related prosecutions;

WHEREAS the Court has the inherent authority to unseal these records in connection with this action, *see Schomburg v. Bologna*, 298 F.R.D. 138, 141 (S.D.N.Y. 2014) (“Federal courts can and commonly do order production of documents sealed under Section 160.50”);

THEREFORE, in order to facilitate the exchange of documents and information for discovery purposes in this matter, it is hereby STIPULATED & ORDERED that:

**STIPULATION & ORDER
CONCERNING DISCOVERY
MATERIALS SEALED
UNDER N.Y. CRIM. P. LAW
§ 160.50**

20-CV-05305-MKB-TAM

- (i) Any records or information exchanged in discovery, or requested or subpoenaed from non-parties, that would be sealed pursuant to New York Crim. P. Law §§ 160.50 are hereby ORDERED UNSEALED solely for the purpose of being produced in discovery and used in this matter;
- (ii) Documents and information that the producing person believes are or may be sealed with respect to non-parties pursuant to New York Crim. P. Law § 160.50 shall be designated by the producing person as “CONFIDENTIAL & SEALED,” and may be so designated at any time on or after the time of production;
- (iii) Records designated CONFIDENTIAL & SEALED shall be viewed, possessed and used solely for the purposes of this matter and only by parties to this case and their attorneys (or the agents and employees of such attorneys), and shall not be publicly filed on the docket of this case or otherwise publicly disseminated, absent further Order of this Court;
- (iv) This Stipulation & Order shall apply to records relating to William McFarlane, Garfield Russel, and Peter Smith, or other individuals, to the extent that any such records are relevant and discoverable in this matter, including but not limited to records in the possession custody or control of (i) the New York State courts; (ii) the District Attorney’s Office of Kings County; and (iii) the New York City Police Department;
- (v) This Stipulation & Order does not affect or limit any objection to or limitation on discovery other than those relating to New York Crim. P. Law §§ 160.50 & 160.55, and does not require the production of any particular document or information, whether or not referred to by this Stipulation & Order; and
- (vi) This Order is without prejudice to any other Order that the Court may enter regarding the confidentiality of discovery materials in this case.

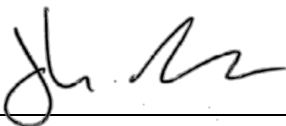
Dated: New York, New York
June 17, 2020

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By: *Alan H. Scheiner* /s/
Alan H. Scheiner

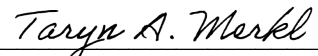
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Attorneys for Plaintiff

SO ORDERED:


HON. TARYN A. MERKL
U.S. Magistrate Judge

Dated: July 7, 2021